



ELEMENT TWO

NOTICE AND COMMUNICATION (29 CFR 37.54(d)(1)(iii))

Washington State addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.29 through 37.36. States should ensure the establishment of a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of both the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

Background

The State of Washington is committed to providing EO and ensuring nondiscrimination in employment in the provision of services. The Revised Code of Washington (RCW) 49.60, the Washington State Law Against Discrimination, prohibits discrimination on the basis of age, sex, marital status, race, creed, color, national origin, families with children, presence of any physical, sensory or mental disability, and use of a trained dog or service animal by a person with a disability. (Attachment 2A)

In addition, the following Executive Orders and Directives were issued:

- Executive Order No. 93-07 Affirming Commitment to Diversity and Equity in Service Delivery and In the Communities of the State, Re-establishing Affirmative Action and Prohibiting Discrimination in State Workplaces (Attachment 2B). Also attached is the ESD Diversity Plan and update. (Attachments 2C-1 and 2C-2)
- Executive Order No. 89-01 Sexual Harassment (Attachment 2D)
- Executive Order No. 96-04 Implementing the Americans with Disabilities Act (Attachment 2E)
- Governor's Directive No. 98-01 Implementation of Initiative Measure 200 (Attachment 2F)

In 1998 Washington State voters approved the passage of Initiative 200, which supports equal opportunity but forbids any type of hiring quota or preferential treatment for



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members of protected groups. The statute does not impede Washington's ability to comply with federal nondiscrimination provisions or requirements.

Communication and Notification

Within the WorkSource Washington System, the Employment Security Department and its partner organizations' employees, as well as clients, unions, the public and professional organizations, have been informed of the nondiscrimination and equal opportunity requirements in WIA. A copy of WIA Policy Number 3445 on Nondiscrimination and Equal Opportunity has been distributed to all WDC Directors. (Attachment 2G) All ESD employees have also been provided with a copy of the department's Equal Opportunity/Affirmative Action Policy Number 0021. (Attachment 2H)

The Employment Security Department's Nondiscrimination and Equal Opportunity Policy incorporates the following laws and regulations:

- ◆ Title VI and Title VII of the 1964 Civil Rights Act, as amended;
- ◆ Section 504 of the Rehabilitation Act of 1973, as amended;
- ◆ Americans with Disabilities Act of 1990, as amended;
- ◆ The Age Discrimination Acts of 1967 and 1975, as amended;
- ◆ Section 188 of the Workforce Investment Act (WIA) of 1998; and
- ◆ Part 37 of the Code of Federal Regulations, Title 29.

The *Equal Opportunity is the Law* posters and client handouts/notices (in English and Spanish) with the wording specified in 29 CFR Part 37.54(d)(1)(iii) were developed and distributed statewide within the WorkSource Washington System. WDC Directors received additional guidance to ensure that WDCs located throughout the state display these posters. Copies of the November 1, 2000 memorandum and the notice instructing the WDC Directors to place these posters in prominent locations are included in Attachments 2I-1 and 2I-2. Janet Leach-Ruth, Acting Assistant Commissioner of the Administrative Services Division, issued a memo to ESD Assistant Commissioners, along with WorkSource, Job Service, TeleCenter and WPLEX Administrators; they were informed of the requirement to include alternate communication modes when telephone numbers are listed. (Attachment 2I-3) Where telephone numbers are listed, a TDD number will be included. A 1-800 relay number is accessible in the event a TDD number is not available. A memo was also sent to the Assistant Commissioner of the



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Office of Public Affairs regarding WIA nondiscrimination and EO requirements in notices and communication. (Attachment 2J) The department is in the process of developing a notice on cassette tape for individuals who are sight impaired. Efforts are made to ensure that communication with individuals with disabilities is as effective as communications with others. See Element 4.

Posters are now prominently displayed in all WDAs, their service providers, colleges, WorkSource Centers and affiliates, and program and activity locations receiving WIA Title I-B federal funding. During monitoring reviews the EO posters are checked for compliance. Posters are available upon request and can be ordered through the State/ESD EO Officer.

The EO notice has been made available to all registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees, unions, and interested members of the public.

In addition, WIA service providers require registered participants to sign a statement and/or provide acknowledgement indicating they understand their rights and have received the EO handout notice. When signed, a copy of this notice is placed in participants' files. (Attachments 2K-1 and 2K-2) See Element 7, Attachment A, for the monitoring tool, which addresses adherence to this policy. Also see Element 3, Attachment 3B-2, page 12, for the General Terms and Conditions of Grant Agreements.

The department and its partners have included the following tagline language on their official web sites, job announcements, brochures and advertisements:

"WorkSource Washington (or name of recipient) is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons of disability."

In a memo dated December 21, 2000, to the twelve WDC Directors, all grantees are instructed to include the EO tagline in ". . . recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe WIA Title I financially assisted programs or activities. . . ." The tagline language follows. (Attachment 3C-1, page 3, in Element 3) Tagline language and instructions are also reiterated in the same attachment on page 5, last paragraph, and continued on page 6.

Tagline language, the Equal Opportunity Notice in English and Spanish and the discrimination complaint procedures are available on the department and local partners' official web site, go2worksource.com. (Attachment 2L)



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Attached are sample materials, job announcements, brochures for veterans, and publications which include EO tagline language. (Attachments 2M-1 – 2M-11) As additional materials are produced to market programs and services, the EO tagline language will continue to be used.

The Unemployment Insurance (UI) Policy Unit staff members are aware of the need to include the EO tagline on documents sent to the public. ESD's Office of Communications, which prepares many of the UI flyers and brochures, has been advised about the need to include the tagline on all documents it produces. (Attachment 2J)

The UI Claims Kit has been revised and includes further information on filing discrimination complaints. (Attachment 2M-9) Both the UI Claims Kit and the "What's Next" flyer have been translated into Spanish. (Attachment 2M-10 & 2M-11) The new claims kit includes a statement in eight languages, including English, instructing LEP persons on how to obtain help with understanding the claims kit.

Ensuring Accessibility

WorkSource Washington is committed to making all services, facilities and information accessible and usable by limited English proficient (LEP) clients. For purposes of this document, "limited English proficient client" means "a person applying for or receiving department and partner services, either directly or indirectly, who, because of a non-English speaking cultural background, cannot readily speak or understand the English language." In addition, efforts are made to include both men and women, racial and ethnic minorities, and individuals with disabilities. See Attachment 2N for an "EO is the Law" notice provided to the Governor's Committee on Disability Issues' mailing list.

Where a need has been identified, bilingual positions have been established throughout the Employment Security Department to ensure communication with LEP clients. The Washington State Department of Personnel approves the establishment of these positions on identified criteria. Positions currently approved for bilingual selectives are Spanish, Vietnamese, and Russian. When other language needs are identified, translation services are arranged for the client at no charge.

Targeted outreach efforts have been underway to promote WorkSource, WorkFirst (Welfare To Work), UI and veterans services. Marketing efforts were targeted to LEP communities, including the Russian- and Korean-speaking community.

The Employment Security Department has formed an LEP Committee to address several key requirements in the LEP interpretive policy guidance issued by the United



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States Department of Labor/CRC on January 17, 2001. Individuals on the LEP Committee are charged with:

- Conducting the required assessment of LEP demographics and language needs.
- Designing an LEP Plan and Policy.
- Identifying the incidence in population and the kinds of services provided in the local areas.
- Developing the guidance and timetables for local planning.
- Identifying the documents in each program that require written translation, and the priority for completion of written translation into the various required languages.
- Designing the monitoring process.

Statistics indicate that Spanish is the primary language of the LEP population in Washington State. However, the LEP Committee will assess and identify the need to serve other significant language groups.

The LEP Committee is coordinating efforts to obtain translations where documents are shared. If recipients require translation for any other documents, the committee will assist in providing technical assistance, to the extent possible. See Attachments 2M-9 – 2M-10 and 2S1 – 2S-2 for samples of translated material.

The UI Division has developed and implemented an LEP Policy, "Unemployment Insurance (UI) Program Policy on Providing Services to Customers with Limited English Proficiency (LEP)," UI Circular 15-02. (Attachment 2M-12)

Information Dissemination and Training

Registrants, applicants, eligible applicants/registrants, participants and applicants for employment are made aware of their rights during orientations for WIA services. All eligible participants are provided with the following documents at orientations and/or registration by subrecipients or contractors. Follow-up monitoring is conducted by the WDC to ensure that a copy of these documents is provided for signature:

- Notice of Rights to File a Complaint (EO is the Law Notice)
- Release of Information form
- Complaint and Grievance form

ESD has updated its new employee orientation. All ESD employees are provided with copies of relevant policies and procedures, e.g., the Harassment, Reasonable



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Accommodation and Nondiscrimination on the Basis of Disability, Discrimination Complaint Procedures, Alcohol and Drug-Free Workplace, and EO Policies and Procedures. This is not an inclusive list. Attachment 2Q contains ongoing training. Staff continues to receive training and technical assistance relative to these policies and procedures.

The State EO Officer and department staff are proactive in providing local EO Officers information in identifying and meeting training needs. (Attachment 2O) A matrix/list of the training on nondiscrimination and equal opportunity, as well as other skills training for staff, is included in Attachment 2P. Attachment 2R contains sample agendas of training provided in 2000 for staff and partners regarding the WIA regulations.

In addition, on June 19, 2001, EO Officers, WorkSource administrators and other partner staff participated in a WIA/EO MOA Orientation, which provided a high-level overview of the nondiscrimination and EO requirements of the WIA regulations. (See Attachment 1I/Element 1.) A three-day Training Conference on December 11 – 13, 2001, focused on ensuring that individuals who play a critical role in the provision of services understand the requirements in the EO regulations. The conference also provided the necessary tools and applications to those responsible for ensuring compliance with the EO regulations. (Attachment 1J/Element 1)

Equal Opportunity training is presented on a periodic basis or when requested. The State/ESD EO Officer provide periodic EO informational updates, as well as notices of EO-related training sponsored by other sources, such as the annual CRC/National Association of State Workforce Agencies EO Training Conference. The State/ESD EO Officer also provide EO technical assistance to the local-level EO Officers on an ongoing basis.



Documentation

Attachments for Element Two

- 2A RCW 49.60 Discrimination – Human Rights Commission
- 2B Executive Order No. 93-07
- 2C 1-ESD Diversity Plan (June 29, 1994)
2-Diversity Plan Update (March 12, 1996)
- 2D Executive Order No. 89-01
- 2E Executive Order No. 96-04
- 2F Governor’s Directive No. 98-01
- 2G Revised Final WIA Policy Number 3445 on Nondiscrimination and EO Requirements
- 2H ESD EO Policy Number 0021 - Equal Opportunity/Affirmation Action
- 2I 1-*Equal Opportunity is the Law* Posters in English and Spanish
2-November 1, 2000 Memo to WDC Directors
3-December 22, 2000 Memo to Assistant Commissioners & WorkSource, Job Service, TeleCenter and W-Plex Administrators
- 2J November 27, 2000 Memo to Assistant Commissioner of the Office of Public Affairs
- 2K 1-“Equal Opportunity is the Law” Notice
2-Notice of Right to File Complaint or Grievance
- 2L Tagline Language on Web site (Numerous Attachments)
- 2M 1-UI Brochure/“What You Need To Know” (with tagline)
2-November 19, 2000 Newspaper Ad in The News Tribune (with tagline)
3-Veterans Brochure and Marketing to Increase Services to Veterans (with tagline)
4-HRC 3 Job Announcement (with tagline)
5-Copies of Ad: Marketing Campaign (with tagline)



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- 6-WorkSource Whatcom "New Services" Brochure (with tagline)
 - 7-SkillSource/On-the-Job Training Brochure from North Central Washington/Columbia Basin WDC (with tagline)
 - 8-SkillSource/Office & Technology Center from North Central Washington/Columbia Basin WDC (with tagline)
 - 9-UI Claim Kit (in English – with tagline)
 - 10-UI Claim Kit (in Spanish – with tagline)
 - 11-UI "What's Next" Flyer (with tagline)
 - 12-UI Circular 15-02 - Unemployment Insurance (UI) Program Policy on Providing Services to Customers with Limited English Proficiency (LEP)

2N "EO is the Law" Notice Provided to Governor's Committee on Disability Issues' Mailing List

2O State Operations Plan (July 1, 2000 – June 30, 2005)

2P Professional Development Matrix for WIA Compliance

2Q Ongoing Training

2R WIA Regulations Training for Partners and Staff

2S 1-Northwest Workforce Development Council Brochure: "What Does NWDC have for me?" (in English)

2- Northwest Workforce Development Council Brochure: "What Does NWDC have for me?" (in Spanish)